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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,754	12/21/2004	Kousuke Chiba	2004-1975A	2870

513 7590 11/29/2005

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EXAMINER

BARRY, CHESTER T

ART UNIT PAPER NUMBER

1724

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/518,754

Applicant(s)

CHIBA, KOUSUKE

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Claims 12 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 lacks a transitional phrase, so it's unclear whether the claim is open to performance of any unrecited process steps.

Claim 12 recites, "by the line atomizing process" and "by the bio-solids method." It is unclear what, if any, process step limitations are introduced given this phraseology. It is *suggested* (but not required) that the invention be claimed as follows:

12. A method comprising:

(step 1);

(step 2); . . . .etc

to avoid any claim interpretation obfuscation. Each such "step" would be a positively recited limitation of the claim.

In claim 12, it is unclear whether "biosolid water" and "clean water" are alternative expressions for the same concept, or whether "biosolid water" and "clean water" are different alternatives. Given the recitation of "consisting of" at line 3, what is clear is that the aqueous medium contains ***nothing*** other than "biosolid water" / "clean water" (if these mean the same thing), or that the aqueous medium contains ***nothing*** other than "biosolid water" or "clean water," if these terms are not truly synonymous.

Claim 12 recites admixture with "50 volume % or less" of a reactive gas. It is clear that this claim limitation is met by a process admixing a solid, liquid, or gas having

no (*sic*) reactive gas whatsoever because 0 volume % reactive gas is less than 50 volume %.

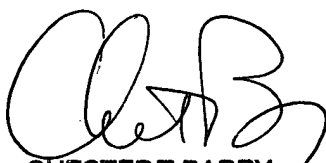
It is unclear whether "the same" (at line 6) refers to the aqueous medium, the biosolid water, the clean water, the reactive gas, the oxygen, the mixed gas, or the ozone.

None of claims 12 – 20 provides antecedent basis for claim 20's recitation of "the vessel or pool" or "the introducing duration." Per claim 20, the meaning of an "introducing duration" is unclear. Similarly, the meaning of the phrase "unitarily managed" is unclear. Does it mean "managed" by a single person? It is unclear to which "condition" the phrase "proceeding condition" refers. Was "preceding condition" intended here? If so, that meaning is unclear as well.

Objection is made to claims 12 – 20 for failure to raise the exponent "2" in "kg/cm<sup>2</sup>" in claim 12. Correction is required.

Claims 12 – 20 are rejected under 35 USC Sec. 102(b) as clearly anticipated by JP 2003-126877.

Claims 12, 13, 17, 18 are rejected under 35 USC Sec. 102(b) as clearly anticipated by JP 4-187298.

  
CHESTERT. BARRY  
PRIMARY EXAMINER